

## CITY OF ISSAQUAH

### MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

**Description of Proposal:** Proposal for a 343-unit multi-family development on a 6 acre site adjacent to Issaquah Creek. Existing commercial buildings on the site would be demolished. The proposed development consists of three five-story residential buildings constructed over a single level of below grade parking. The buildings are oriented to front onto 7<sup>th</sup> Ave NW and NW Locust St.

The site would be accessed from driveways off 7<sup>th</sup> Ave NW, NW Locust St, and a secondary driveway access from NW Gilman Blvd. The driveways connect to a surface parking area located behind the buildings. The driveway mid-block on 7<sup>th</sup> Ave NW provides the main vehicular access into the below-building parking garages. The proposal includes 320 below-building parking spaces and 103 surface parking stalls located behind the buildings.

The site is located adjacent to Issaquah Creek. The residential buildings and surface parking area would be located outside the 100-foot stream buffer. The applicant proposes to reduce the stream buffer to 86 feet to allow for an improved park area adjacent to the stream buffer. The reduced riparian buffer area would be enhanced with native plantings to improve buffer functions. The adjacent park area would be improved for both residents of the project and includes a public park area. A pedestrian trail is proposed in the stream buffer to provide for public access and views of the shoreline.

**Proponent:** Lennar Multifamily Communities  
720 3<sup>rd</sup> Ave, Suite 1420  
Seattle, WA. 98104  
Attn: Tom Bartholomew

**Owner:** Gilman Square LLC  
2033 First Ave  
Seattle, WA. 98101

**Permit Number:** SDP13-00005, SHO13-00014 – Seventh at Gilman Apartments

**Location of Proposal:** 505 NW Gilman Blvd

**Lead Agency:** City of Issaquah

**Determination:** The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

**Comment/Appeal Period:** This DNS is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii. There is a 21-day combined comment/appeal period for this determination, between **March 19, 2014 and April 9, 2014**. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will reconsider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

### Notes:

- 1) This threshold determination is based on review of the site plan, preliminary civil engineering plans, landscape plans, and architectural plan (GGLO) received December 18, 2013; Conceptual Riparian & Buffer Enhancement Plans (Raedeke Assoc.) received March 13, 2014; Critical Areas Evaluation memo (Raedeke Assoc.) dated May 31, 2013; Ditch/Stream Mitigation Discussion (Raedeke Assoc.) dated August 1, 2013; Flood Analysis and Design Considerations memo and figures (CP/H Consultants) received March 13, 2014; Preliminary Technical Information Report (CP/H Consultants) received December 18, 2013; Trip Generation, Signal Warrant Analysis and Mitigation Fee Technical Memo, Heffron Transportation, March 18, 2014; environmental checklist received December 20, 2013; and other documents in the file.
- 2) Issuance of this threshold determination does not constitute approval of the permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Land Use Code, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

### Findings:

1. Land Use: The subject site is located in the Central Issaquah Plan (CIP) subarea. New zoning and development standards were adopted by the City in April 2013, with the objective to transition the area to a more urban, mixed-use, pedestrian-oriented environment. The proposal complies with the general vision of the CIP; orienting buildings toward the street frontages, providing community open space, and including a multi-use trail system on the site that is mapped in the CIP.
2. Environmental Critical Areas: The site is located adjacent to Issaquah Creek, rated as a Class 1 stream, "shoreline of the state" subject to the City's Shoreline Master Program (SMP). The SMP jurisdiction extends 200 feet from the ordinary high water mark (OHWM) of the creek. Issaquah Creek requires a 100-foot stream buffer plus a 15-foot building setback from the buffer.

The property granted an easement to the City in the mid 1990's to construct creek channel improvements which expanded the creek channel landward onto the site. To compensate for the easement, the City agreed to recognize the surveyed ordinary high water mark (OHWM) of the creek prior to the construction of the channel improvements, for purposes of determining the regulatory stream buffer (IMC 18.10.785.B). The historic, surveyed OHWM is approximately 10-30 feet to the east, waterward of the existing, physical OHWM. This code provision does not apply to establishment of the OHWM for building setbacks under the City's Shoreline Master Program (SMP). Therefore, the proposed buildings must meet the stream buffer (100 feet) and the building setback (15 feet from the buffer) as measured from the existing OHWM and other elements/features of the site plan may meet the 100-foot buffer as measured from the historic OHWM.

The closest, proposed residential building (Building C) is setback a minimum of 200 feet from the existing OHWM and therefore is located outside the 100-foot stream buffer and 15-foot building setback, and also would be outside the jurisdiction of the Shoreline Master Program (SMP). The surface parking area located in the southeast corner of the site off NW Locust St is a minimum distance of 150 feet from the existing OHWM, also meeting the 100-foot stream buffer requirement.

In order to provide a useable park/open space area on the east part of the site, the applicant proposes to reduce the stream buffer width from 100 feet to 75 feet, as measured from the historic OHWM. This is consistent with the City's critical area regulations (IMC 18.10.790(D.4), which allow a maximum buffer reduction of 25% provided the reduced buffer is enhanced with native plantings and the applicant can demonstrate enhanced, reduced buffer would result in an improvement to water quality and habitat functions. There are 2 trails that would encroach into the stream buffer and the

applicant has proposed buffer averaging; adding buffer area equal to the area of the trails onto the outside of the stream buffer, consistent with IMC 18.10.775.C. Therefore, the proposed stream buffer width adjacent to the park/open space area is 86 feet from the historic OHWM, or approximately 76 to 56 feet from existing OHWM.

The stream buffer area is comprised of 2 enhancement areas; riparian enhancement adjacent to Issaquah Creek and planting enhancement of the outer buffer area. The riparian enhancement (4,063 SF) adjacent to the creek is proposed as mitigation for piping an intermittent stream located along 7<sup>th</sup> Ave NW (further information below). The objective is to create off-channel riparian habitat; lowering the existing rip-rap stream armoring by 2-2.5 feet to create a lower terraced bench (at 2-year flood elevation, 63.15 feet) planted with native vegetation suited for frequent inundation and containing anchored large woody debris to provide refuge habitat for fish during higher flow events. The outer buffer area (12,260 SF) would be enhanced with upland riparian trees and shrubs. A 4-foot wide gravel trail in the outer buffer would allow for public access of the shoreline area.

A drainage channel along the 7<sup>th</sup> Ave NW street frontage is a part of the historic Drainage District #4 system, which channelized streams in the 1930's to allow agricultural use of the Issaquah Creek valley floor. The drainage is rated as a Class 4 stream; an intermittent stream that has been constructed or channelized. The proposal would pipe the drainage (440 linear feet, 2,915 SF) in order to construct street frontage improvements along 7<sup>th</sup> Ave NW. To mitigate for the impacts and the loss of potential habitat, the applicant proposes to plant an equivalent or larger area (3,290 SF) along the bottom of the new flood channel with hydrophytes (plants that grow in water). In addition, the applicant would mitigate by creating off-channel riparian habitat along Issaquah Creek, as described above.

The applicant evaluated the site to identify potential wetland areas and concluded there are no jurisdictional wetlands on the property (Raedeke Assoc., May 31, 2013)

The following measures are required for the stream buffer enhancement plans:

- Final stream buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a planting plan, grading plan, and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting and stream restoration.
- The planting plans shall meet plant density standards required for enhancement of the reduced stream buffer, per IMC 18.10.790.D.4.c.(3).
- Performance standards shall meet King County Critical Areas Mitigation Guidelines for monitoring of the planting and shall also include measures for success of the stream restoration.
- A wood split rail fence shall be shown on the plans and installed along the edge of the pedestrian trail to control circulation and limit human and pet encroachment into the stream buffer and shoreline restoration area.
- Critical area signs shall be installed along the split rail fence to demarcate the stream restoration area.
- Permanent survey stakes shall be set to delineate the critical area boundaries from the adjoining property.
- The stream buffer shall be recorded with a Native Growth Protection Easement (NGPE) to protect the area from development and alteration in perpetuity.

- A 5-year monitoring/maintenance period is required. The applicant shall provide a bond amount equal to 50% of the cost of plants, labor and the 5-year monitoring/maintenance cost.
  - The stream restoration requires Hydraulic Project Approval (HPA) from the Washington State Department of Fish & Wildlife (WDFW). A copy of the HPA shall be provided prior to issuance of construction permits.
3. Flooding: The project site is located within the 100-year floodplain of Issaquah Creek, and it is documented that the site floods during extreme storm events, in the 10-20 year range of recurrence interval storm events. The site is located within a Special Flood Hazard Area (SFHA) on the Federal Emergency Management Administration's (FEMA) Flood Insurance Rate Map (FIRM), which delineates areas subject to flood hazards. The SFHA contains a documented conveyance route through the site, commonly referred to as the Gilman Overflow breakout area. This regulatory designation is similar to a FEMA floodway, its purpose is to maintain the conveyance of flood flows through the site. The overflow on the site isn't fixed in a specific location or mapped as a defined drainage channel across the site, which provides flexibility for redevelopment of the site if the required conveyance is accommodated.

The current and projected flood conditions on the site were modeled using the latest version of the HEC-RAS hydrologic modeling software. The base model used for the project analysis is the same one used by the City and the Federal Emergency Management Administration (FEMA) in their last flood insurance study and mapping efforts.

#### Existing Flood Patterns

Under current conditions, flood flows overtop the left bank of Issaquah Creek and spread shallow across the site flowing westerly over the parking lot to a 36-inch culvert located at the site's northwest corner at 7<sup>th</sup> Ave NW and NW Gilman Blvd. The culvert has adequate capacity to convey surface runoff (i.e. rainfall) from the site, but does not have capacity to convey floodwaters. The raised roadbed of 7<sup>th</sup> Ave NW holds the floodwaters on the site until it reaches the elevation of the roadway, effectively acting as a weir along the west edge of the property. Under these conditions, floodwaters pond to an approximate 2.5 foot depth in the northwest corner of the site, until flooding of the downstream system has receded and the culvert system under 7<sup>th</sup> Ave NW can drain the site. During major flood events, the depth of flooding inside the site's buildings, which are not designed to be floodproof, has been approximately 20 inches. Flooding has severely impacted tenants, due to direct flood impacts and the loss of business during cleanup and restoration. Total insured flood losses at the site have exceeded \$1 million since 1990.

#### Proposed Site Improvements

The proposal would modify on-site flooding by constructing an onsite flood channel to contain floodwaters, and site grading to create fill pads to raise the finished floor elevation of the proposed buildings above the 100-year floodplain elevation. The flood channel would be constructed across the site to convey flows to the northwest corner of the site and discharge into the existing culvert at 7<sup>th</sup> Ave NW and NW Gilman Blvd. The capacity of the constructed flood channel, combined with open surface parking areas, would meet the SFHA Gilman Overflow requirements to maintain conveyance of flood flows through the site, and would also contain sediment and debris typically associated with this magnitude of flooding. The flood channel is designed to contain flood flows up to the 20-year recurring event, similar to the past four historic flood events (2 in 1990, 1996, and 2009) that impacted the site, with flooding limited to surface parking and other open areas. The proposed channel would improve flood conveyance capacity across the site by providing additional volume at lower elevations.

Under current conditions, floods cover the entire site and inundate the existing commercial structures. The proposed grading would raise the finished floor elevation of the proposed buildings above the 100-year floodplain elevation to prevent flooding impacts. The entry drive for the parking garages has been designed with a high point above the 100-year floodplain level to prevent floodwaters from entering the parking garage and the walls and foundations of the parking garage would be waterproofed to prevent inflow of groundwater.

Construction of the below-grade garage would require excavation approximately 8 feet below current site grades. The building foundations have been specifically designed based on shallow groundwater conditions. The proposed onsite flood channel would provide additional storage to offset the displaced groundwater storage volume.

The project design would result in net fill within the 100-year floodplain of approximately 12,000 cubic yards. The reduced on-site storage volume was previously compensated by the increased capacity provided by an earlier City capital improvement project along the left bank of Issaquah creek on the eastern edge of the site. A 1998 agreement between the City and the property owners documents the allowance for the compensatory storage/conveyance capacity.

#### 7<sup>th</sup> Ave NW Drainage

The existing drainage along 7<sup>th</sup> Ave NW currently consists of a series of 36-inch pipes and approximately 440 lineal feet of open channel. The proposal would replace the section of open channel with a new 36-inch pipe to facilitate roadway improvements along 7<sup>th</sup> Ave NW. See the section above (Environmental Critical Areas) regarding mitigation for piping the section of open channel. Replacing the open channel along 7<sup>th</sup> Ave NW with a pipe would not have a notable effect on flooding patterns in this area. Presently, the channel receives floodwaters directly from the project site as surface flows from around the buildings, and not from Issaquah Creek via NW Locust St. Elevations and the physical grades of NW Locust Ave and 5<sup>th</sup> Ave NW effectively direct Issaquah Creek overflows north and west across the Gilman site. During periods of flooding, the 7<sup>th</sup> Ave NW drainage fills quickly because the elevation is lower than the Gilman site and the adjacent roadway. The drainage provides little or no storage/conveyance capacity during flood events. The amount of flow in the 7<sup>th</sup> Ave NW drainage is a small component of total flooding on the site because flood depths are controlled by the elevation of 7<sup>th</sup> Ave NW closer toward Gilman Blvd.

#### Issaquah Creek Bank Repair to Reduce Frequency of Flooding

The top of the Issaquah Creek streambank functions as a shallow berm and overbank flooding occurs at an 8-year recurrence interval. An area near the middle section of the streambank has been lowered by erosion from previous storms and the proposed project would re-grade the eroded portion of the existing berm to raise the grade to a constant elevation (66.0 feet). It would also include bioengineering of the streambank to resist future erosion. This improvement is expected to reduce the frequency of overbank flooding to a 14-year or greater recurring event. The berm repair is a significant flood reduction measure that is integral to the overall site design. The hydraulic modeling demonstrates that this action would not impact flood levels upstream or downstream of the site.

The proposal, with the on-site flood channel and site grading, has been designed to result in no increase, a “no rise” condition, for the water surface elevation of a 100-year flood event on the site and upstream and downstream of the site. Therefore, the proposal would not create additional flood impacts on adjacent properties.

4. Traffic: A traffic concurrency analysis was prepared to evaluate the impacts of project traffic on level of service (LOS) operations at City intersections. Traffic operations are evaluated using levels of service (LOS) designations “A” through “F”; with LOS A representing good traffic operations with little or no delay to motorists and LOS F indicating poor traffic operations with long delays.

Traffic concurrency is based on traffic conditions in the weekday P.M. peak hour because it's when there are the highest number of trips on the City's street system and therefore represents a worst-case scenario in terms of traffic conditions.

Trip generation estimates for the proposal have been determined using rates and equations from the Institute of Transportation Engineer's (ITE) *Trip Generation Manual* (9<sup>th</sup> Edition, 2012). The proposal is expected to generate 74 new, net PM peak hour trips. The net new trips include credit for the traffic trips currently generated by commercial uses on the site and for pass-by trips, consistent with Transportation Concurrency Management, IMC Chapter 18.15.

Issaquah's traffic concurrency model identifies City intersections that would receive 30 or more PM peak hour project trips and State highway (WSDOT) intersections with 10 or more project trips, as based on the traffic model's trip distribution. The concurrency analysis identified 4 intersections: NW Gilman Blvd and 10<sup>th</sup> Ave NW/NW Maple St, NW Gilman Blvd and 12<sup>th</sup> Ave NW, NW Gilman Blvd and SR-900, and SR-900 and Interstate-90 interchange east-bound ramps. The concurrency analysis concluded that all the intersections, except for NW Gilman Blvd and 12<sup>th</sup> Ave NW, would operate at LOS D with or without the proposed development. The increased delay resulting from project traffic at all these intersections would be less than 1 second. When an intersection operates at LOS D without project traffic, mitigation is required only when a development project would increase the delay by more than 5 seconds (IMC 18.15.250). The intersection at NW Gilman Blvd and 12<sup>th</sup> Ave NW would operate at LOS C with or without the project. Therefore, the proposal would not result in impacts to LOS operations that would require mitigation.

A traffic signal warrant analysis was prepared to determine if the NW Gilman Blvd/7<sup>th</sup> Ave NW intersection meets or is forecast to meet traffic signal warrants (Trip Generation, Signal Warrant Analysis and Mitigation Fee Technical Memo, Heffron Transportation, March 18, 2014). The analysis was performed according to guidelines in the *Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, 2009 Edition*, which requires that one or more factors or warrants be met for traffic signal installation. The proposal would generate a substantial increase in left turn movements from 7<sup>th</sup> Ave NW onto NW Gilman Blvd based on the traffic concurrency model trip distribution. The applicant is required to design and build a traffic signal and channelization at the intersection of 7<sup>th</sup> Ave NW and NW Gilman Blvd, subject to review and approval by the City of Issaquah. The traffic signal shall be installed prior to first occupancy of buildings.

A site access analysis is currently underway to evaluate the traffic operations level of service (LOS) for the project access driveways off 7<sup>th</sup> Ave NW and NW Locust St. To evaluate the traffic conditions, new peak period turning movement traffic counts were taken at the NW Gilman Blvd and 7<sup>th</sup> Ave NW intersection and the site access driveways. Future background traffic volumes are based on the City's traffic demand model. The assignment of project trips to the site driveways assumes 90% of future apartment trips would use the driveway on 7<sup>th</sup> Ave NW because this driveway provides the direct access to the under-building parking. The LOS analysis of the project driveways will be conducted using *Synchro 8.0* traffic operations analysis software. The analysis will indicate channelization improvements necessary for safe and efficient access into the site driveways. Channelization improvements may include adding a left turn lane, right turn pockets, or sight distance improvements. The applicant shall provide plans for channelization improvements, as recommended in the Site Access Analysis, and the improvements shall be approved by the City, prior to issuance of a Site Works/Construction permit.


5. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 18.18, *Methods to Mitigate Development Impacts*, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general

government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. The current mitigation fee is \$76.14 per new multi-family unit for the General Government Buildings mitigation fee and \$149.59 per new multi-family unit for the Police mitigation fee. The mitigation fee is paid at the time of building permit issuance and the actual fee amount is determined at that time. Applicant objections to the voluntary payment should be made during the SEPA comment period.

**Mitigation Measures:** The Mitigated Determination of Nonsignificance is based on the checklist received December 20, 2013 and supplemental information in the application. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1. Final stream buffer riparian enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a planting plan, grading plan, and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting and stream restoration.
2. The planting plans shall meet plant density standards required for enhancement of the reduced stream buffer, per IMC 18.10.790.D.4.c.(3).
3. Performance standards shall meet King County Critical Areas Mitigation Guidelines for monitoring of the planting and shall also include measures for success of the stream restoration.
4. A wood split rail fence shall be shown on the plans and installed along the edge of the pedestrian trail to control circulation and limit human and pet encroachment into the stream buffer and shoreline restoration area.
5. Critical area signs shall be installed along the split rail fence to demarcate the stream restoration area.
6. Permanent survey stakes shall be set to delineate the critical area boundaries from the adjoining property.
7. The stream buffer shall be recorded with a Native Growth Protection Easement (NGPE) to protect the area from development and alteration in perpetuity.
8. A 5-year monitoring/maintenance period is required. The applicant shall provide a bond amount equal to 50% of the cost of plants, labor and the 5-year monitoring/maintenance cost.
9. The stream restoration requires Hydraulic Project Approval (HPA) from the Washington State Department of Fish & Wildlife (WDFW). A copy of the HPA shall be provided prior to issuance of construction permits
10. The applicant is required to design and build a traffic signal and channelization at the intersection of 7<sup>th</sup> Ave NW and NW Gilman Blvd, subject to review and approval by the City of Issaquah. The traffic signal shall be installed prior to first occupancy of buildings.
11. The applicant shall provide plans for channelization improvements for the driveway accesses, as recommended in the Site Access Analysis, and the improvements shall be approved by the City, prior to issuance of a Site Works/Construction permit. Channelization improvements shall be installed prior to first occupancy of buildings
12. The applicant should mitigate for potential impacts on public services with a voluntary contribution for the General Government Buildings and Police Mitigation Fees. Applicant objections to the

voluntary payment should be made during the SEPA comment period. The mitigation fee is to be paid prior to issuance of building permits and the actual fee amount is determined at that time.

**Responsible Official:** Peter Rosen  
**Position/Title:** SEPA Responsible Official  
**Address/Phone:** P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094  
**Date:** 3/19/2014 **Signature:** \_\_\_\_\_

cc: Washington State Department of Ecology  
Muckleshoot Indian Tribe  
U.S. Army Corps of Engineers  
Washington State Department of Fish and Wildlife  
Issaquah Development Services Department  
Issaquah Public Works Engineering and Parks and Recreation Departments  
Parties of Record